

NEWINGTON TOWN PLAN AND ZONING COMMISSION

April 22, 2009

Regular Meeting

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Casasanta
Commissioner Ganley
Chairman Hall
Commissioner Kornichuk
Commissioner Pane
Commissioner Camerota
Commissioner Lenares

Commissioners Absent

Commissioner Pruett
Commissioner Schatz
Commissioner Niro

Staff Present

Ed Meehan, Town Planner

Commissioner Camerota was seated for Commissioner Pruett and Commissioner Lenares was seated for Commissioner Schatz.

II. PUBLIC HEARINGS

- A. **PETITION 09-09 1052 Main Street (Rear), The Hidden Vine, Wine Bar LLC applicant, Motta Investments owner, represented by Salvatore Motta, 1052 Main Street (Rear) Newington, CT 06111 request for amendment of Special Exception Petition 31-08 approved June 25, 2008 to expand restaurant area by approximately 400 sq. ft. B-TC Zone District.**

Chairman Hall: If the petitioner is present, if you would come forward, state your name and address for the record.

Salvatore Motta, 1052 Main Street: Actually here tonight to want to go ahead and expand the square footage of the restaurant to the open adjacent space that we have beside, that already occupies 900 square feet. We want to add an additional eighteen more seats approximately to the other side.

Ed Meehan: This is more a procedural requirement of, amendment of the special exception does require a public hearing. As the applicant stated the original special exception which was approved back on January 25, 2008 limited the original space to 885 square feet and so the expansion does require an amendment of that number to 400, 425 square feet, whatever that area is, to accommodate the expansion. This property has donated land to the municipal parking

lot by a prior owner, I think it was McKay who owned it at the time, or Patz owned it at the time, when the property donated land, so there is a benefit for the parking count that travels with this piece and it is considered part of the municipal parking lot, so the use of this area for additional restaurant space would be covered by the public parking.

Chairman Hall: Do the Commissioners have any questions about what has been presented at this time? I think just about everyone is pretty familiar with the site, probably have visited it, and many of you sat here when he came before us for the first petition. Okay, thank you.

Anyone from the public wishing to speak in favor of this petition? Anyone wishing to speak in opposition? Anyone wishing to speak?

Now, we are going to have to keep this open because unfortunately you did not post the sign for public hearing.

Salvatore Motta: Yes I did.

Chairman Hall: Where was the sign.

Salvatore Motta: It's actually right in front of the building, right in front of the restaurant, public hearing sign.

Chairman Hall: The one that is on the parking lot side?

Salvatore Motta: Yes.

Chairman Hall: I was there yesterday, there was no sign.

Salvatore Motta: It's actually right there.....

Ed Meehan: On the north side of the building.

Salvatore Motta: Yes, that's the only way I could actually put it into the ground.

Chairman Hall: On the north side, in back of your landscaping sign?

Salvatore Motta: Right in the landscaping, yes. It's actually right in the front and there is another sign that says Hidden Vine Wine Bar and Lounge.

Ed Meehan: I saw it today. Has it been up since you had the application?

Audience: I can vouch for it, it's been there.

Chairman Hall: It has, okay, because when I was there yesterday.....

Salvatore Motta: Yeah, if you actually drive right into the back parking lot, if you take a right where Carvel's is, and you go right behind Carvel's, it's actually right there, you pull in, boom, direct sign.

Chairman Hall: I came in the way, most people come off of Market Square and looking that way, it was not visible.

Salvatore Motta: It's actually visible from that one way street.

Chairman Hall: All right, okay, as long as it was there.

Salvatore Motta: Yeah I had it there. I was going to put it in the front, at 1052 Main Street, but then there is, the restaurant is not there, so I put it right in front, it would be fine right in front there. I also put a sign that says Hidden Vine Wine Bar, so.....

Chairman Hall: All right, fine, I stand corrected, thankfully, because there is certainly no reason to continue this. All right, we will close this. If anyone has any other questions, this is your time to do this, otherwise we are closing this public hearing. Thank you for your time.

Salvatore Motta: Thank you.

B. PETITION 11-09 – 90 Welles Drive North, New Meadow Phase II property, Henry Schadler Associates, PC 5 Waterville Road, Farmington, CT 06032 attention Paul H. Selnau, applicant representing New Samaritan; Town of Newington, Newington Housing Authority and New Samaritan Corporation, owners, request for Special Exception Section 3.7.2 to construct 32 age restricted affordable housing units for seniors, R-12 Zone District.

Chairman Hall: If the petitioner is present please come forward, state your name and address for the record.

Paul Selnau: Good evening, my name is Paul Selnau, architect from Henry Schandler Associates, and as indicated we are the architects for the project representing New Samaritan Organization, who is our client. A little bit of background about our firm that is located in Farmington center and we were established more than forty years ago and we have provided over 7000 units of housing throughout the Connecticut, Massachusetts and Rhode Island area. A lot of it has been HUD funded developments and many of them are very very similar to what we are discussing with your planning and engineering staff over the past month or so, very similar to the development that we are showing this evening.

As indicated this is a 32 unit senior housing development and it is primarily funded by a HUD grant, and as Ed indicated in his report here, it's an age restricted developed for residents 62 years of age and older and it is an affordable development and subsidized by the federal government. As Ed had indicated in his background, back in 1984 I guess as part of long range goals the Town had put forth for senior housing and in our RFQ that I answered along with our client, the New Samaritan Organization 2005, we were selected to provide the development before you, the 32 units of housing. This development has been looked at for the entire parcel, the C and B parcel, all the way down starting from where the location of the current parking lot is, in the center section where the current fields are, all the way down to the north section of the parcel, parcel B, which is the location that we are proposing for the structure here today, the proposal that has been before your board and has been seen for a change in map, which has already been approved.

The development is on a 2.2 acre parcel which is in compliance with the code, and it also has a height of twenty-five feet to the mid-point of the roof which is also lower than the minimum standards, and is in compliance with the parking requirements. We require sixteen spaces and we will provide twenty-one at that location. Again, it is consistent with the long range goal for providing senior housing on this location.

Let me walk over here, and hope that you can still hear me, we were before wetlands last night, and we seemed to be very well received with that Commission. We are directly up against the wetland buffer in this area although our structure is out of it, and we have pushed our building diagonally into this corner as far back as we can. Now what that does for us, is it allows us to maximize the open space, you know, in the center of the site for town use, and also keep the structure far away from the existing residences as possible. It ends up framing the whole development and seems to be a very nice location. We are not disturbing any of the wetlands buffer zone at the north end of the site, and our grading into the previously disturbed area to the

west. Again, it's a two story structure, it's detailed with similar architectural styling and character to many of the single family homes that you see in the area.

That is a brief description of the architecture. We had a neighborhood meeting that we had over at the senior center last week, and answered many of the questions that the residents had at that time. One question that I think that everyone was asking was there going to be connection from Welles and that is actually not going to be happening. We have shown over in this location a proposed transformer, generator and a cooling tower location for the building and at that meeting we had some planting proposed along that line, and were asked to increase that, which we did on this plan. As also part of a long range evaluation what we did is look at other locations to completely locate that equipment in other areas of the site and I would like to just pass out briefly to the Commission, this is the preliminary sketch that we have been looking at to try to locate this equipment toward the west end of the site. Basically what that would do is to locate the transformer at this location which is basically accessible for the utility company, but would be screened by the dumpster and parked vehicles and locate our chiller and our generator over in this location. Again, that is in the buffer zone, but it is in an area that is, has been previously disturbed and the wetlands, I didn't share this with wetlands last night, these two locations, but the grading in that area they were not concerned about because it was already disturbed, so I can't see why they would be distressed about this. We could also depress this and screen it so it shouldn't be an issue, so this is under development and we'll be looking at it. I have my site engineer here as well who can answer any of the technical questions that you have related to the site. I'd be glad to answer any other questions that you may have.

Chairman Hall: Ed?

Ed Meehan: I would like to put into the record my staff report which is, has been shared with the applicant, is available to the public, I have some extra copies here. Any special exception use in the zoning regulations requires some statement of need, and I think that I have covered that in the staff report but just for the record, as the applicant mentioned the history of this area goes back to the early '80's when the Newington Housing Authority and the Newington Town Council partnered on the subdivision of this property, the former New Meadow School. That subdivision was approved by the TPZ in 1984 and divided the property into two large pieces, a five acre piece and a piece that is slightly over two acres. The five acre piece is where the now New Meadow Phase One twenty-six units have been constructed. They were opened in 1986, or '87. There was the reservation of the other two acre plus area across the field that the Housing Authority had, I'll call it an option to, for almost ten years that the Town Council allowed them to try to seek funding to construct the second phase of New Meadow. The Housing Authority was able in 1993 and 1994 to design a complex of thirty-six two story apartments on the area across from their present phase one, that used up pretty much the entire, used up all the east side of the property, from the informal parking lot at the south end all the way up to the parking lot at the edge of Welles Drive North, but they could not get funding for that, so the project didn't proceed. In 2005 the Town Council recognizing the need and the long waiting list that our Housing Authority had for age restricted housing requested the administration to draft a request for qualifications for sponsors and developers for phase two. That process was overseen by the Council and as a result of the RFQ process, New Samaritan Corporation was selected as the site's preferred developer. Once they were on board there was a study committee appointed by the Council that looked at the New Meadow site as well as other sites in town and re-evaluated the need, you see in my staff report that I summarized the findings of that committee. At the time this was done, which was about a year ago, there was testimony from the Housing Authority about their waiting list, but also statistically information from the Senior and Disabled Commission we have estimated a range of 320 to 535 people over sixty-five that might be eligible for this property, or any age restricted property in Newington for that matter. Then the committee went on to recommend this site for HUD 202 funding and recommended that the Town Council authorize the Town Manager to enter into a lease option for this property with New Samaritan and that's where

this property stands right now. It's under lease option, it's not been conveyed to New Samaritan. There are several requirements that need to be fulfilled before this property is conveyed. Tonight is one of them, getting land use approvals, getting wetlands approval. The Town Council will initiate an 8-24 referral back to the TPZ before the property is conveyed by long term lease. We are also partnering in this project with the Newington Housing Authority and the Housing Authority has requested permission from CHFA to release about 25,000 square feet back to the Town, which would be the westerly side of this parcel so that the housing and the New Samaritan parking can be pushed to the north end of this site leaving about 30,000 square feet of field left open in an area for parking for the senior and disabled center and guests and visitors who go to the New Samaritan, not New Samaritan's, but New Meadow property for parking at the south end of the field. We may be able to come up with between fifty and sixty spaces there. That's not part of the application before the Commission tonight, that is something that is being handled separately by an application to the Connecticut Department of Economic and Community Development for a small cities grant. Again, the town would partner with the Housing Authority for improvements on their property and that would be a subject of a Town Council public hearing next week, on the 28th, to begin that process. But in summary, as far as the need, I believe that has been documented, this site is in compliance with the Plan of Conservation and Development, the housing component that recognized when that was adopted that this was a priority site for continuation of senior housing, and is also in compliance with the zoning standards for age restricted housing, as the applicant mentioned. The zone is residential, the parcel size meets the minimum threshold, the density in that zone, for that type of use would be twenty units per acre, the applicant's proposing fifteen per acre, the height is twenty-five feet, maximum height could go to thirty-five feet, that's not being proposed, and the minimum parking would be sixteen spaces and the applicant is proposing twenty-one. From a special exception point of view those are the excerpts from my staff report, and the other part of the staff report has to do with some of the technical design issues and the site plan which we can take up under site plan discussion.

Chairman Hall: Questions from the Commissioners?

Commissioner Pane: Madam Chairman, through the Chair, could we also get some information on the chiller. I understand that they are going to try to move it over to the other side, for buffering purposes, are we going to get some, make sure that it complies with the noise ordinance so that it is not going to be detrimental to the residential neighborhoods and maybe because it might need a sound protector around it beside the landscaping. I think they should check that just to make sure that it's not an irritant to the neighborhood and that it is properly screened. Thank you, Chairman.

Ed Meehan: I mentioned that in my site plan comments. I think that, the architect is aware of that comment, some sort of, if necessary, continuation, or screening, or buffering.

Chairman Hall: We will talk a little bit more about that when we get to the site plan. Any other Commissioners have a question on this part of it?

Anyone from the public wishing to speak in favor of this proposal? Come forward, state your name and address for the record. Anyone wishing to speak in opposition?

Lynn Zeleck, 55 Welles Drive North: I'd like to comment on Petition 11-09, New Meadow Phase Two property. A few years ago the affordable age restricted housing committed was created. Its mission was to determine if that site was possible for senior housing and then once the site was obtained New Samaritan was advised to go through the committee with all plans. Once the committee had the plans they were to disseminate the information to the Town Council. It appears that this didn't happen. This wasn't the only committee that was by-passed in this project. Please refer to May 8, 2007 Town Council minutes, where numerous times Mr. David Brown of New Samaritan made it very clear that the neighbors would have a say in the design

process. Mr. Brown spoke of an advisory committee that would be created, unfortunately the neighbors were never invited to be a part of this process. Throughout the minutes Mr. Brown mentions the project should be workable for the neighborhood, that the intention is to get more involvement from the elderly and the neighborhood, with regard to the design of the property. He also states that once the application is in and or they have funding, there will be more meetings which will include the neighborhood. Please note at the informational meeting last Wednesday Mr. Fairbarn of New Samaritan stated that HUD 202 funding was granted in December of 2008. We are now in mid-April, 2009 and have yet to be invited to a meeting to discuss this design. During the May, 2008 meeting Mr. Meehan spoke of the process as reflected in the minutes, where he mentions that, quote, New Samaritan working with the committee, what ever committee wants to be structured goes through a whole charret of designing the architecture, the site plan, typical due diligence with architectural and engineering procedures followed to present to the Town a plan for that site, and certainly the neighborhood, the Council and any advisory committee should be involved in that. When that is acceptable to all parties, it should be submitted to the TPZ. To our chagrin, the first time we were shown the site plans for the proposed development was one week ago today. I wouldn't qualify that as getting the neighborhood involved in the process. Thank you.

Chairman Hall: Anyone else wishing to speak in opposition, come forward, state your name and address for the record.

Christie Labella, 73 Welles Drive North: I'm here to comment about Petition 11-09, New Meadow Phase Two. Under the zoning regulations 3.7.2 (C), number four, it reads, proposed housing for the seniors is not likely to have an adverse affect upon adjacent properties and other properties in the neighborhood. I asked Mr. Salomon who makes that determination. He informed me that it was the responsibility of the TPZ. Therefore, I would like to make a few comments. I did seek a professional opinion from a certified general appraiser. In his opinion the affects of a commercial grade apartment building lends a loss of appeal to the neighborhood. From an appraisers stand point external obsolescence can be claimed because the neighborhood will suffer from the influence of the two story structure. It is not consistent with the neighborhood or the existing senior garden style one level housing. If the neighborhood was extended to create a cul-de-sac and four hundred thousand dollar houses were built, that would be an enhancement of the neighboring property values. There is some potential for loss unless we can address important issues regarding screening the structure and mechanicals from the neighborhood's view. A few suggestions are, downsize the hammerhead turnaround as much as you can, this will assist in addressing three issues. One, it will lend more area for landscaping, two it should eliminate people from parking there and walking over to the housing, three, we need to relocate the mechanicals to the westerly side of the proposed senior housing development.

In elaborating on the landscaping, I am strongly suggesting that a sufficient berm with mature conifers or the like be incorporated into the landscaping plan along the easterly side of the proposed housing. A few scattered arborvitae would not suffice, nor would white pine trees that drop their lower branches over time. A suitable choice would be the Norway spruce that are known to grow at a good rate and help mitigate dust and noise. In addressing the property line, right now there are mature trees that provide a natural buffer. If you plan to install the sidewalk to nowhere, along the property line, you will disrupt the tree roots and most likely kill the existing trees. Now is the time to implement new suggestions. Once the development is built, there will be no turning back. Please consider these suggestions and try to appease not only the future senior housing development but the existing neighbors who own property and pay taxes. As previously stated if the commercial development in a residential neighborhood does adversely affect the neighboring property values due to a decreased appeal of the neighborhood, this issue should be considered in the next property tax assessment of October 1, 2010 when re-evaluating our property taxes. Thank you for your time.

Chairman Hall: Thank you. Anyone else wishing to speak in opposition, come forward.

Brian Labella, 73 Welles Drive North: I would just like to comment again on Petition 11-09, New Meadow Phase Two Proposed Senior Housing. I know that we already talked about the mechanicals but I can't stress enough importance on the location of those. Just looking at the site plan, and the square footage of the structure, I can kind of guesstimate that it is going to be a large commercial size chiller. I would guess in the sixty to eighty ton range, and those are quite loud, so I just think it is a great importance, given also that there is really no buffer between the end of our street and the generator and proposed chiller. It is going to be a chiller and not a cooling tower that is going to be placed? So I really again just want to stress that importance. I think it would be a great injustice to our neighborhood if you didn't at least consider the relocation of these utilities. Thank you.

Chairman Hall: Thank you. Anyone else wishing to speak in opposition?

Jeff Zeleck, 55 Welles Drive North: A few of the things that Christie Labella had asked you to consider, this hammerhead here, today Welles Drive North just kind of extends here, along this field, this is all open space, so we really don't see a need for an entire hammerhead this size. If you could possibly amend this to maybe make this just a small "L" where the plows, because I do understand that they do need a turn around, the sidewalk here, we really don't see a need for that, this is all old growth trees here and there's probably a good chance that you are going to disturb the root structure of those trees if you do build a sidewalk, it really goes to nowhere, unless of course, this is going to be preserved as open space over here. Cathy, if you recall, the original plan was to go with parcel B, on this map we are seeing parcel C. Parcel B extends from here over to here, and I think Tom Bowen was a proponent to try to preserve some of this as open space, so what I would like to ask is, if you do approve this, if you could possibly put an amendment to preserve what is here as open space in perpetuity. Thank you.

Chairman Hall: Thank you. Anyone else wishing to speak in opposition? Anyone wishing to speak? We have had pros, cons, this is the opportunity, if somebody doesn't want to step up for yes or no, but just wants to be heard, this is the time of the meeting for that, so if anyone wishes to speak, if they will come forward, state your name and address.

Audience: May I just ask a question Madam Chairman, are you also going to discuss this evening the site plan?

Chairman Hall: Yes we are. That comes about two items down.

Audience: Thank you.

Chairman Hall: Would you care to speak? Come forward, state your name and address.

Andrea Ladd, 49 Welles Drive North: I'm just seeing this for the first time and just a couple of things come to mind, and I know that we have talked about the berms and the landscaping and all, but it would really be a shame not to, I mean, this is going to be twenty-five feet tall, and it's going to be really wide, so if you have ever crested the hill coming up Welles Drive North, it's going to be just a wall as you crest the hill coming up, so to have some really nice landscaping there is going to be hugely important. The noise factor from the chillers or coolers, or whatever you are calling them I really think there is a neighbor who's bedroom window is literally ten feet away from those. That would be important, and one other thing, as far as aesthetics go, I know that we miss that boat sometimes in town, not intentionally, it just happens. If you look at like the Starbucks Plaza, and then they built the Walgreen's, well the Starbucks Plaza has a brown roof, and the Walgreen's has the green roof which doesn't make it like a cohesive type of unit, and I

know we have already got units over there that are single family, they are like a yellow color, with brown roofs, and I don't know what this will end up being, but to make that whole area look more cohesive I think would be something not to overlook. Thank you.

Chairman Hall: Anyone else wishing to speak? I want to make something clear, because when the question was asked, are we going to be talking about the site plan, we are, but that's not under public hearing, which means that, you know, it's in a different portion of the meeting, it's under something that we call New Business which is not Public Hearing and that's a different area. In other words, now you have a chance to speak because something has been presented, you have the position of yes, no, let me speak, under New Business, we talk about that around the table, after the presentation, so it is a little bit different. Anyone wishing to come forward? Yes, Mr. Arbour?

Mr. Arbour: I think the point that you are trying to make is that there will be no public participation under site plan, just to make that clear.

Chairman Hall: Correct. It's not a give and take at that point when we talk about the site plan.

Mr. Arbour: It's limited to just the Commissioners at the table.

Chairman Hall: Right, so when I said we do discuss it tonight, we do, will do, but if you have any questions about that you can stay for the meeting, you will hear the presentation, and you will hear the discussion.

Tom Bowen 22 Woods Way: I'm also a member of the Town Council. Along with Cathy, we have been involved with this process for quite some time. There is a need for senior housing. I said all along that I think that this, if it's properly done is a good location for senior housing. I was very concerned when I saw where the mechanicals were going to be located. I'm very happy to hear that they are being reconsidered and they are going to be relocated. I've spent some time with Steve Juda, the town assessor, and after a long conversation, he also agrees that the landscaping at the end of the street will be critical in determining the impact on the neighborhood. There has to be, well, there should be some sort of a buffer to break this up, I'm not quite sure, but it looks as if it is going to be pretty close to the property line, I'm not sure what the minimum requirements are there, I know in many of those zones it's only ten feet. So I hope that there is sufficient landscaping. I also agree to the best of their ability, match the rest of, let's call it the neighborhood, which are the other single family residences which are also on the adjacent property. This Commission has done a wonderful job with places such as Walgreen's on the Berlin Turnpike requiring the best architecture that each of these companies have, I just hope that you apply the same type of criteria and standards to how you are going to landscape this area because you have done some wonderful things by relocating the building from the center of the property all the way to the rear of the property. You pushed it as far away as far as you possibly can from the neighborhood. I think now the finishing touches will determine whether or not this really does blend in, so again, you have done some very very nice things in moving it back, keeping the open space in the area for the ability for the neighborhood to still have a playfield, you have also considered doing some additional parking for the seniors, all of this is great stuff. I would implore you just to make sure we finish this so it really is aesthetically pleasing to the residents. Thank you very much for your time.

Chairman Hall: Thank you. Anyone else wishing to speak?

Richard Olson, 37 Welles Drive North: I was just wondering if you had done a lighting study on this, and where you are going to put your light poles.

Chairman Hall: That will come up under the site plan, that's part of it, you'll see the whole diagram then as well.

Richard Olson: Will it be available to the public to get copies of it?

Chairman Hall: Sure. Anything that we have available to us becomes public information. Anyone else wishing to speak?

Mike Johnson, 23 Welles Drive North: Just really wanted to boil it down and keep it simple. Just asking the architects, the Commission, to just please involve the neighborhood. You know, Mr. Meehan gave a good history of the project, Lynn and Christie both provided background about how we have not been involved to date, you know, the folks here, we have a big showing from our neighborhood, they're here not just to complain or to provide you know, call blind excuses as to why the project shouldn't be there, these are smart people who all along if you go back through the minutes of the Town Council meetings or the Senior Housing meetings, they have provided a lot of great ideas along the way, and those ideas were completely pushed aside by the Town Council, I mean to the point where their minds were made up and they weren't heard, they weren't listened to, so you know, don't think that we are just trying to stop it or do whatever. We're trying to think of great ideas of where we would put certain things, landscaping, how to best not affect our properties, so all I'm asking is, do the right thing, involve the neighborhood. It's been committed to from our perspective, and not followed through on, and I just ask that people do include us in the discussions. We have good ideas, we're thinking holistically, and just make sure, do the right thing. Thank you.

Chairman Hall: Thank you. Anyone else wishing to speak?

Ed Meehan: May I say something?

Chairman Hall: Yes.

Ed Meehan: Just wanted to clarify a point and to pick up on what Councilman Bowen said about pushing the site to the north. Jeff Zeleck mentioned it, he mentioned an open space easement. The Town is not giving up any of this land south of this building. There will still be town owned land where that field is, to the very south end, so there is really no need for an open space easement. The town will retain the fee to the south end of this parcel. It's just the north two acres, a third of that in the wetlands actually, that is going to be improved. The wetlands stays as it is, same as the footprint where the existing building is, so everything to the south of that stays open space and town ownership. I want to make that clear.

Chairman Hall: Yes, come forward, stand at the podium and again, give your name and address for the record.

Christie Labella 73 Welles Drive North: I still clearly remember back when you said Ms. Hall that that town land is not the neighbors land, yet all of our land, we all pay taxes, we all own it and that is something that is important to us and we all want to continue to enjoy and I'm just curious, if you are saying that is the town land, that scares me, because it is all our town land, but yet the town can do as they wish with it. Now is there a deed restriction and a deed that will hold that as open space, is that the purpose of putting a deed, as a deed restriction. Is there going to be a deed re-drafted, clarify that, keep that on record, on the land records? I just need to know.

Ed Meehan: I don't know how that is going to be, there are no deed restrictions on this property now.

Christie Labella: Okay, could there be?

Ed Meehan: That is up to the Town Council.

Christie Labella: Right.

Ed Meehan: The only restriction on this is the fact that in 1985 the Town Council identified this for senior housing and that is the history of this, and we are sort of taking that area, the two acres that was originally identified, and we're sliding it north. So I think the Town Council could revisit this and maybe working with the Park and Rec board talk about what they want to do with this field. It's a very informal playfield, but we have aerial photos that show it is lined for soccer.

Christie Labella: Well that is going to shrink. I've looked at aerials on that and we'll be lucky if we get one soccer field out of it now.

Ed Meehan: You may get one for little guys.

Christie Labella: Maybe, maybe.

Ed Meehan: But as far as your question on disposition of land, that is a decision that the Town Council makes.

Christie Labella: Yeah, I just have a hard time where that used to be a school ground, it was a school playground, it was school property which was town property and then it shifted to housing property, and now, it just could keep shifting to something else if there is nothing put in place legally. I just was wondering if there was anything, if you could just maybe check with the Town Attorney and let me know if there is anything that we could put that would make it real permanent.

Ed Meehan: Okay.

Chairman Hall: Thank you. Anyone else wishing to speak?

Tom Dunn, 75 Welles Drive: I just want to say a couple of words, not really planned but in support of what a lot of others have said here tonight. The letter that Christie turned in here, and a lot of the things that the neighbors have mentioned, they are all good ideas, working with the neighborhood, modifying some of the things that you are showing on this site plan to make it more palatable and easier for the neighborhood, lighting, and chillers and noise reduction and minimizing the impact on the neighborhood, it's really important, and I just want to say, when you think about the things that are being asked for in the grand scheme of the cost of the thing, it's not a lot, it's not a lot, so I think if for no other reason than that, this would be an easy thing to do to assuage some of our concerns and I just ask that you give that due consideration.

Chairman Hall: Thank you. Anyone else wishing to speak? At this point, we can have rebuttal.

Paul Selna: Do you want me to answer that, or hold it for the next part of the.....

Chairman Hall: If it goes in with the site you can answer it then, but if you want to answer it now you certainly can.

Paul Selna: Just very very briefly because much of it will go into the site, certainly it was never anyone's intention not to involve anyone in the community. As Ed has said, this has been under evaluation for quite some time and we evaluated structures from one end of this site all the way to where it currently is right now. This location is the least disruptive to any part of this parcel. It is

pushed back as far as it can possibly go, and it does not affect, as I said, the wetlands to the north or to the west, and it only minimally disrupts the currently disrupted wetlands, so from that standpoint, I think this building is in the correct location for it. As far as some of the landscaping and locating the chiller and things like that, we've, we're looking at that and would be glad to talk further about that in the technical end of it, and again, we can certainly move that to the other side. You know, the hammerhead that is being discussed has been discussed with the Town Engineer and we can adjust the size per his requirements as we get further into that later on. This development was located in this place specifically to maximize the amount of open space remaining on this parcel for residents and that is what this does and I think this certainly meets the definition of what we were discussing tonight as a special exception.

Chairman Hall: Thank you. And if anyone else has a rebuttal for a rebuttal from the applicant, this is your time for that as well. If anyone has any answer to what he just said.

Christie Labella, 73 Welles Drive North: Paul, I respect all that you have done and you have done a wonderful job, you're a great architect, but the answer in rebuttal to that would be lose off a few units off the end, accommodate the whole darn town and the whole neighborhood rather than just this one facility. I mean if you took off, maybe you need to slice off maybe ten feet off the building and lose a couple of units, everyone would be happy here. It could make it nice and that would be the answer, you can't push the building, can you compromise somewhere. Can you give something up here? I feel that we are giving up a lot, we're trying to work with you here, we want to make it nice, we want to make it right, if that is the answer, lose a few units, that's just my point. It's hard to keep hearing sorry, can't do it, nope, sorry, well you can do it. You would just have to compromise. Thank you.

Chairman Hall: Thank you. As far as keeping this open, some of the Commissioners aren't here tonight, and after the site plan we may have some more questions later, so my desire is to keep it open for one more meeting, just in case something comes from further discussion and it would give a second go around with the public hearing. I'd like a consensus on that.

Commissioner Kornichuk: That's fine. I just have one question to Ed, if you can possibly find out for me because I've had a father-in-law that used to live in the senior housing over there and that field was always two to three feet high with grass. When did it all of a sudden become a playing field?

Ed Meehan: I don't know the exact history but I think most years, my observation from being around here, it was cut eventually and used by the neighbors and some of the soccer organizations. I don't know exactly when, it's never been designated as a formal playfield, so it may not have been on Parks and Rec list, but it was cut, someone from the neighborhood may know better than I do, but I can't give you an exact date.

Mike Johnson, 23 Welles Drive North: Just to answer that question, for at least the last three years, that field has been used for, through the Newington Soccer Club in the fall and in the spring for games by boys and the girls generally in the third and fourth grade age group. There have been two fields there, it's been used almost nightly for practices as well as Saturdays, most of the day, for games. So obviously that is another big concern, me being part of the Soccer Club and having kids play, we're losing playing fields. But it has been used, yes in the summertime the grass does grow, but generally right before the Extravaganza they end up cutting it, but you know, I use it extensively with my kids out there, but it has been used officially as a soccer playing field for at least three years.

Chairman Hall: Thank you.

Commissioner Pane: I think it's extremely important for us to keep this open and I'd also like to visit the site and have a meeting there before our next meeting if the other Commissioners don't mind, I think it would be important to meet there with the residents and physically look at the area and to make sure that we understand exactly what the residents are talking about and so that I feel comfortable voting on this and getting the right things done on this for the protection of the residential neighborhood. Thank you Madam Chairman.

Chairman Hall: We will keep Petition 11-09 open.

III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. MINUTES

April 7, 2009 – Regular Meeting

Commissioner Kornichuk moved to accept the minutes of the April 7, 2009 regular meeting. The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

None.

VI. NEW BUSINESS

- A. PETITION 08-09 Assessor Map SW 1865, .93 acre vacant parcel located between 115 and 173 Pane Road, NB Realty Group, LLC owner, Quality Customer Construction, 160 Jerome Avenue, Burlington, CT 06013, applicant, request for Site Plan approval Section 5.3, 4,500 sq. ft. light industrial use building, PD Zone District.**

Chairman Hall: Did we get a letter on this?

Ed Meehan: We got a letter, Madam Chairman, a letter came from the applicant asking that this be continued. They are still not ready with their drainage calculations so they have asked to hold that over.

- B. PETITION 12-09 90 Welles Drive North, New Meadow Phase II property, Henry Schadler Associates, PC 5 Waterville Road, Farmington, CT 06032 attention Paul H. Selnau, applicant representing New Samaritan; Town of Newington, Newington Housing Authority and New Samaritan Corporation, owners, request for Site Development Plan approval Section 5.3 to construct 32 age-restricted affordable housing units for seniors.**

Paul Selnau: Thank you very much. Paul Selnau, Henry Schadler Associates and this is my site engineer James LeBlanc who is with me tonight and who is also going to discuss some of the technical portions that have been on the agenda this evening, and which we have already begun to discuss.

As we have already said, the building is pushed back as far as it can be at this point, and given the amount of acreage we are able to construct forty units of housing on this parcel and we're

constructing thirty-two. As a part of the original questions, one of the original RFP's was looking at thirty six to forty units of housing to go on this location, and what has been approved by the applicant is thirty-two units of HUD subsidized units. That is what the grant is for and that is what the proposal is here for, and as Ed has stated, it has nothing to do with the center parcel that is set aside for Town use. So at this point I am going to turn it over to my site engineer to speak to the specifics about the site layout design to supplement the discussions that we have already had.

James LeBlanc: For the record, James LeBlanc of Two Designs, New Britain, Connecticut, landscape architects and civil engineers, I'll just touch on a couple of things regarding the site plan that were brought up earlier. I think that the first involves the hammerhead. The size and design of the hammerhead as we are depicting it here is a result of discussions that we had with the Town Engineer. We are more than open to go back and talk with the engineer and look for ways to make the hammerhead smaller and lessen the impact on the overall neighborhood. As far as this sidewalk here along the adjacent property, that was also a suggestion of the Town Engineer, and that was I believe in response to what was going to go on, on the other end of the site. Again, that is something that I would be glad to bring up with him and talk about eliminating. Overall, as Paul said earlier, in terms of the site development there are sixteen parking spaces required, we are proposing twenty-one which we think is easily doable, it fits in with the site. There's no entrance, there is no vehicular entrance from Welles Drive to the site, all vehicle access is from this area here. As Paul said, we have tried to put the building back as far as we can, up against the wetland buffer which we thought made sense and lessened the impact to the area. There is a vehicular turnaround, there is a drop off area, it is elderly housing, we thought that was important. The sanitation dumpsters and so forth will be located in this area and those dumpsters and sanitation will be shared with this neighboring development. We've already had discussions with them and they have agreed to the fact, so that basically takes two dumpster locations and just puts it into one, where there is one existing now so we thought that made sense to lessen the impact of dumpsters on the site. There will be a small patio area to the rear of the building. We do have concrete walkways around the building, these are required by code for people exiting the building. There are walkways along the perimeter of the parking area. We felt that this is elderly housing, the proximity to downtown is important and connections with walkways throughout the site was important as well. As far as landscaping, we are meeting the required, the landscaping requirements of the town. In terms of the utility location as Paul said, we're more than happy to look at moving the chiller and the transformer and so forth up to this area of the site and that would allow us to create the berm and provide additional screening that is requested by the neighbors. Are there any questions?

Chairman Hall: Questions from the Commissioners?

I have a couple. Somebody had mentioned a quote, sidewalk to nowhere. I think they might be mentioning that one, where does that go?

James LeBlanc: It stops at the open field.

Chairman Hall: And someone else was concerned about how wide the building was, how wide is it at this point?

Paul Selna: It's approximately fifty-five feet.

Chairman Hall: Fifty-five feet and approximately twenty-five feet tall.

Paul Selna: It's approximately twenty-five feet from this point here to the median point of the roof.

Chairman Hall: To the median point of the roof.

Paul Selnau: Which is the way that your regulations state it.

James LeBlanc: Your regulations do allow thirty-five feet to that point.

Chairman Hall: And a standard two story colonial house? How does that compare?

Paul Selnau: Depending upon what the width could be, well if the width of the house is fifty-five feet it could be the same.

Chairman Hall: Right, but I'm talking height.

Paul Selnau: About the same, this is a standard four and a half to five inch pitch, so it's a standard pitch that you see on a colonial house. So if the colonial width is, you know, two stories and fifty feet wide, it's the same width. If it's narrower, it would drop down.

Chairman Hall: Right, but the height would be the same?

Paul Selnau: The height would potentially be about the same depending upon the width of the house, correct.

We have some samples of materials if you would like to see that, again, we're using standard elements that you can see in residential development, vinyl siding in through here, corner boards, vinyl windows with trim, vinyl shingle material and a fiberglass roofing like. I have some samples. All of these materials are consistent with what we have done. You are looking at a gray shingle, so the siding is a gray siding, it would be for the body of the building, in a clapboard style. The projecting elements, right in through here is a steel blue color that would be, you know, this is a shingle style of, a vinyl shingle style and in between there is a solid vinyl panel that is broken up with other trim elements, to break that up and add some definition to the, this portion of the gable. The roof lines also have projecting eaves. We have a projecting entry element and a two story space as you enter the building, so this is all a very glass, open area, a lot of light. A series of panels in this area also break up the mass. So what we have tried to do is to break down the mass of the structure with similar materials that you see throughout the area. We have also pulled this, you know, hipped this roof back to lessen the height as well, so it's not a gable end that you are looking at. I can show you further on the plans. So that is basically the architectural style that we are looking at. This is the shingle style which is similar to a slate roof representation. That is what this is intended to be and it's a similar style and colors to what you would see anywhere throughout the community.

Chairman Hall: Questions from the Commissioners?

Commissioner Kornichuk: Traffic. How are your trucks entering and exiting this property?

Paul Selnau: During occupancy?

Commissioner Kornichuk: During construction.

Paul Selnau: During construction, all traffic is going to be coming in from this direction, there is nothing that is going to be coming in through the residential neighborhood. It's going to be completely blocked off, so all traffic is going to be coming in through here. As Ed had stated, the Town is also looking to widen that road in that area, so we are going to be working with them to set up a construction traffic lane, basically to bring traffic to that point during construction so that it

will not interfere with anything that is going on in the Housing Authority, and we will just fence that area off and just restrict things directly in and out of that location.

Commissioner Kornichuk: How much damage do you anticipate to the, are you going to re-do the driveway where, right where the existing senior housing is now, that is going to be where you are going to be coming in with your trucks.

Paul Selnau: Correct.

Commissioner Kornichuk: Is anything going to be done in that area, when you are done.....

Paul Selnau: If there is any damage that would be done by our contractor, it would be corrected, but as I say there are plans right now to re-do that entire road with the small cities grant that Ed mentioned. I think Tony is in the process of putting a design together right now. So that area will be completely refurbished at the end of the project.

Commissioner Kornichuk: My only thing is, I see this brand new building, with all this brand new landscaping, and as I stated earlier, my father-in-law used to live in the other, and somehow, somehow I think this all needs to be brought together, where I think this other, I just feel sorry for the other twenty-six units that are in that other, with the landscaping and everything that they have. That's all that I am thinking about, you know, how is the whole project, outside of just your project going all blend in.

Paul Selnau: Well, I understand that, and maybe that could speak to a broader issue past this application, because I think, as you can speak, we're providing the buffers along the edge, we're retaining a very large existing tree, and we're adding landscaping and what happens off of that property, we don't have an awful lot of room up in here to add things. If there is something that we can do down in there.....

James LeBlanc: I mean, is the question how is this going to tie into these existing units?

Commissioner Kornichuk: I'm just trying to visualize you know, you've got the brand new building, where this other building, as Ed stated was opened in what, '86, '87,?

Ed Meehan: It's an 1985 building opening but probably a 1950 design.

Commissioner Kornichuk: And it looks as if it has 1950 landscaping. So I mean, I'm just trying to visualize, I'm not saying that it is an eyesore, but take an eyesore, and you are putting a brand new building in there, I would like to see somehow, some way, that it just flows. Is that the right terminology? Where it.....

Ed Meehan: Well, as one of the residents said, we try to raise the bar as far as the architectural quality, and appearance, and not go back. Where you can do similarities with materials and exterior treatments, with facia and coloring, as much as you can but I don't know how much of that existing twenty-six units merit replication.

Commissioner Kornichuk: I don't mean the building, I know you can't do anything with the building unless you are going to rip all the siding off and start all over with the same material, but I'm talking like, even the landscaping, that's why I asked about the road.

Ed Meehan: Well, it's not part of this application, New Samaritan is the applicant before you tonight, but from the small cities side of this which is basically going to be rebuilding this cul-de-sac and hopefully build a parking lot if we get the grant. We've talked about, if we replace the

lighting, I think there are fourteen or sixteen light standards in front of the existing twenty-six units, they look like they may have to be replaced. We would try to replicate the lighting in this development so there is some continuity. We talked about some benches along the way, we've talking about, as the engineer said, eliminating one of the dumpsters and combining them. The existing Housing Authority has no dumpster enclosures, they just sort of move around out there, having some uniformity with that, and reconstruction of the sidewalks. We do have limitations. If we use a small cities grant to go onto the Housing Authority's buildings themselves, or go inside, it opens up Pandora's box as to what has to be done as far as code improvements. So the preference is to stay outside and do as much improvement with the sidewalks, with the lighting, with the parking, with the drainage as we can within the grant.

Chairman Hall: Other questions on the site?

Commissioner Pane: Madam Chairman, through the Chair, could that also include landscaping?

Ed Meehan: Not sure how much we can use small cities money for landscaping, but you should know that the Housing Authority has a capital improvement plan, that they are supposed to be setting aside and they probably have set aside to do many of the things that I know that they want to do over there. Some of the things that we are doing for the Housing Authority could be underground. You are not going to see them, like fix the sewer lateral traps, things like that, the drainage that hasn't been fixed in the last thirty years. I'm not sure how to answer your question, may not be eligible.

Commissioner Pane: Thank you.

Chairman Hall: Other questions from the Commissioners?

Commissioner Casasanta: I like what I see here but I think we do need to at least be cognizant of the resident's concerns and look at whatever it is that we can look at to at least address as many of their concerns as possible, so I don't know if it would be possible for us as a body, but I kind of like Domenic's idea of being able to take a look at the site at some point. Just to kind of get a, I know from my personal opinion, seeing it on a drawing is one thing, but seeing it live and in person is something else. I know that I personally would benefit from being able to tour the area and get a first hand look, but again, that's everybody else to commit and well.

Commissioner Ganley: I've looked at this hammerhead design, for lack of a better term at the end of Welles, my problem is this. It's threefold, if an ambulance were traveling northerly on Main Street from say Dowd, to an emergency at this facility, it would have to go up to Cedar Street, go all the way down Cedar and then make a right turn and come into the cul-de-sac. It would be obviously shorter to go down Welles Drive North to get to that same, it's a matter of seconds, or maybe minutes, but that may be the decisive factor in whether the person gets the attention they need, as quickly. It's only a twenty-four foot width to the end of this hammerhead configuration. I don't know if a fire truck can turn around in that. We'll talk about a dump truck, but I don't know if a fire truck can do that. I would say the same for a police car traveling from the Dowd Street area to answer a call in that facility, having to go travel all the way to Cedar, go down Cedar, make a right hand turn into the driveway and come all the way down. So I'm having an initial problem with the fact that vehicles don't have access right up close to the building in what may be in some instances the shortest route or life saving route to get there. My suggestion would be to run this by the fire chief, police chief and the ambulance chief, and if they are happy with this, that's fine.

Paul Selnau: If I may, at our early design meetings that we had with Ed and Tony we did have the building official here and also the Fire Chief and he indicated to us that he would not want to come through the residential neighborhood at all to access this. He would be coming from the

Housing Authority property, entering off of Cedar Street and he specifically indicated that he did not see a need personally for direct access, that he could come into the parking lot, turn and go around, and we also have located, it's hard to see, but per his request, we have located a hydrant at this location, for him. The ambulance service and the police department were not here, the Fire Chief was, primarily because his vehicles are larger which is why we had him. I don't think his intent was ever to go down there, except to go to one of the residences, and he would be turning around there, but he certainly wouldn't be turning around there as a result of going to the building.

Commissioner Ganley: So if he were going down the street, North Welles, to a fire call....

Paul Selnau: On North Welles?

Commissioner Ganley: Yes, and if he had to turn around somewhere.....

Paul Selnau: He could do it there. Presumably, we didn't specifically ask him, I'm trying to remember.....

James LeBlanc: This is not designed for large fire trucks to be able to turn around. That was not the intent. The large fire trucks will be coming in from this area. This hammerhead was specifically designed for maintenance vehicles, snow plows and so forth.

Commissioner Ganley: Okay, the assumption is the fire trucks are coming from the station, okay, but they may be coming from a call further south, and then they are detailed to there which brings the same question, they have to go back down Cedar Street, make a right hand turn, and go into the property, so you can't assume that they will be coming from the fire house in all instances. That leaves out what the ambulances and police cars may be doing to get to the same location, so you might want to double check with those two agencies and see.

Paul Selnau: I have no objection to doing that. As we said to the Fire Marshal and the building official, this building has a complete sprinkler system in there, it has a complete commercial grade sprinkler fire alarm system, so it has all of the life safety issues in there that you would be looking for. Now, maybe that is part of the reason that he wasn't concerned about access around the back, driving around here, getting in from Welles, because he was really pretty adamant that he wasn't going to come from that direction and saw no problem with it, but I have no objection to discussing it with the ambulance and police. It was our understanding that no one wanted through access in that area and what we have been trying to do is to minimize the size of that, as you hear by comment from the residents that nobody really wants that hammerhead that large. It is coming from the engineering department that that is what they need for snow and maintenance. We can certainly revisit it.

Audience: I have a comment on that, if I may?

Chairman Hall: No, I'm sorry. That's what I was saying before, that this is where we talk around the table at the presentation. That is why we kept it open so you will have another shot at it the next time around.

Commissioner Camerota: I just have a question on lighting. I'm not sure that you mentioned, I thought I'd ask about the amount of lighting.

Paul Selnau: Yes, I have a board, but your very last document in the drawings that you have before you is a photometric layout. What we are showing on there is the dark sky history, all the light is cast down to the surface and if you take a look at the perimeter, there is a zero light level

at the property line, in all locations. There is a detail sheet on the upper left hand corner of the page that shows you the style of that. There are also some lights on the building itself that will be casting light down to the walkway around the back of the property and along the side to illuminate our emergency exit walkway. That is again part of what Ed was discussing before as part of the small cities grant, the continuity of the outside lights.

Commissioner Camerota: Thank you.

Chairman Hall: Other questions?

Commissioner Pane: What was the reason that the building couldn't be pushed down away from Welles? Again, was it wetlands or.....

Paul Selnau: The two acre parcel, we are starting from the limits of the property back here, working forward to maximize the amount of open space for the residents, and then going in this direction, and also trying to stay really as far away from the housing properties as possible and what we need to do is to provide an adequate grade within our property line and here in this case we are just going slightly over into the housing authority property just to re-grade that into the buffer zone which is not a problem. So any farther this way we create a very deep shelf. Now part of what, which is one reason why these elements here, the generator and the transformer and the chiller ended up over here, because what we are doing, and what we are going to do now is to depress that area of the site so that we can actually place them at a lower grade. So we were really being pushed up against that, and this is actually the wetlands buffer line. Right through there, the existing wetlands buffer line. So we are all the way back as far as we can, and the building is not encroaching on the buffer line at all, but it is within three to five feet of it.

Commissioner Pane: So due to grading?

Paul Selnau: Correct, grading and the location of the one hundred foot buffer zone. We are as far back in that corner as we can be.

Chairman Hall: And it is important to get those three elements in the back so they are not on the Welles Drive side.

Paul Selnau: That's correct.

Ed Meehan: The other thing on that side is the storm line which will have to be partially relocated but if you push the building any further west it would mean a complete relocation which means more disturbance of the wetland area, plus the pathway system that we want to maintain that goes over to Elton Drive, Farmstead. That was part of the rationale.

Chairman Hall: Ed did you have something.....

Ed Meehan: I want to put up, Mike and Domenic want to be on the site and I think that is a good idea, but I want to point out the edge of the proposed building is where the edge of the existing building is right now. Footprint of the existing building mirrors this easterly edge. From this point to the property line is seventy, is about seventy-five feet. Another ten feet to the adjacent residence. From this corner to the residence on the south side is over one hundred feet, and that was another part of the strategy, was to get the building as far away from the end of Welles Drive North as possible. Not crowd the westerly side with slope and drainage, and not crowd the Housing Authority neighbors, which are on the other corner. So that is how it ended up where it is.

Paul Selna: That overlay that Ed was just speaking of is in that drawing, you can see physically how that building is actually sitting on that site.

Ed Meehan: The other important thing about that sixty-five to seventy feet to the property line is if this mechanical equipment is relocated there should be enough room, maybe even pushing the sidewalk back a little bit, to have a half way decent berm, three to four feet in there. Three to one slope berm with landscaping, I would think.

James LeBlanc: We would take a look, that's feasible.

Commissioner Pane: Right around the hammerhead?

Ed Meehan: Between the hammerhead and the building.

Chairman Hall: And you would have some plantings on top of it so that will screen it even more.

Paul Selna: Just along this edge, not along there. There's natural drainage that is going along that end and area for the snow plows to actually pile snow.

James LeBlanc: As a result of last week's meeting, we have already shifted this walk closer to the building, and if we have any leeway in terms of the size of the hammerhead and moving obviously these elements over, that will give us room to put in a fairly substantial berm.

Chairman Hall: Ed, do you have anything else at this time?

Ed Meehan: No, I think all the Commission members have the plans, they are available to the public. This is going to be left open to get more ideas on the table, and have a site walk.

Chairman Hall: Can you put this up for a minute so people can see exactly what we've got. This is a wonderful drawing, but this is the actual aerial. This is the existing housing, and then the new building would end there. That's where Channel 24 and the Art League are right now. So it will not go any more than that, and this area will be left open. There is no building that is going to go on that side, so, this little piece that we had was just the building itself, but to put it in perspective as to how it fits with the whole parcel, it's at least fifty feet from here, and then it comes out this way. It comes up as far as they can on the wetlands over here, they have to relocate the path, hopefully all of the utilities will be on this side, and that would be the end of the building.

Audience: Would you outline the building, the shape of the building on the plan there.

Paul Selna: It's pushed back approximately ten feet from the end of the property, and it goes partially into the (inaudible).

Commissioner Kornichuk: I have a question. Didn't you say the building ended where the other building ended?

Paul Selna: It's actually farther away from the residents than the existing building.

Commissioner Kornichuk: So it's not the whole footprint of the existing building?

Paul Selna: The existing building starts here, the new one starts approximately ten feet further.....

Ed Meehan: Look at Sheet L-4

Commissioner Kornichuk: I was just clarifying because, you know, they said it was the existing....

Paul Selnau: In general terms if you are talking, it's basically in the footprint but if you want to get specific about it, it's about ten feet farther back, it's actually slightly farther away from the wetlands to the north, and it goes approximately fifteen feet into the buffer.

Chairman Hall: Any other questions from the Commissioners? Seeing none, we have quite a bit of information here, and as I've said, I'm sure we will be getting some more because they are still working on this, between the engineer, Ed and the architect, they are still working on getting the final elements put together with the input of the Commission, the neighbors, the engineer are trying to make this as compatible as possible and as realistic to meet everyone's expectations as possible.

Ed Meehan: It still has to go to Wetlands, too.

Chairman Hall: Yes, Wetlands, they will be the second Tuesday in May, third Tuesday in May.

Paul Selnau: As I said earlier, we did meet with Wetlands last night, they did not issue a report as I said earlier, but everything seemed favorable from that meeting because we were not affecting the buffer zone in any way to the north, and recognized the area that we were actually grading in is previously disturbed buffer zone, which is basically this area right in here which is currently grass, is also within the buffer zone, so we were currently just grading within that previously disturbed area, so that was what was stated last night.

Chairman Hall: Okay, good. Thank you. And as far as the Commissioners and Ed's report, that last page, these are pretty much things that they are working on for the next meeting. We should have some answers on some of these, this is the staff report.

Commissioner Pane: Madam Chairman, can we schedule a site visit?

Chairman Hall: Yes, many of us have been there many times, but if you want to organize something before the next meeting, that would be May 12th, I believe, no May 13th. May 13th is our regular meeting. Want to go over there at 6:30 and see what it looks like? Those who haven't been.

Commissioner Pane: Might want to make it at 6:00 to make sure we have enough time to go over everything and I'm sure we are going to have residents there, and then make our 7:00 o'clock meeting. 6:00 o'clock?

Commissioner Camerota: I probably will be a few minutes late, that's kind of tight.

Chairman Hall: Okay, anybody who can make the 6:00 o'clock meeting, at the site, the 13th of May, before our meeting, and then we will come back over here.

VII. OLD BUSINESS

A. PETITION 07-09 – 2368 Berlin Turnpike, Richard Rizzo, 390 North Main Street, Wallingford, CT 06492 applicant, Newell A. & Clifford F. Stamm, owners, request for Special Exception Section 6.4.2 Pylon Sign, B-BT Zone District.

Commissioner Lenares moved that PETITION 07-09 – 2368 Berlin Turnpike, Richard Rizzo, 390 North Main Street, Wallingford, CT 06492 applicant, Newell A. & Clifford F. Stamm, owners, request for Special Exception Section 6.4.2 Pylon Sign, B-BT Zone District be approved based on

the design prepared by National Sign, dated 2-26-2009, showing an 18 foot high internal illuminated double sided Dunkin Donut sign and Double sided Drive Thru sign, total of 78 sq. feet.

The motion was seconded by Commissioner Casasanta.

Chairman Hall: Ed, anything to add to this?

Ed Meehan: No, this is specifically just for the pylon sign, but just to bring the Commission up to date, we did talk to National Sign and we did clarify the issue of their directional signs which had the corporate logo's on, and they are going to go back to a standard directional sign, enter, exit, and get that squared away, so they will be in compliance with both the wall signage as well as the pylon sign.

The vote was unanimously in favor of the motion, with seven voting YES.

VIII. PETITIONS FOR SCHEDULING (TPZ May 13, 2009 and May 27, 2009)

Ed Meehan: There are a couple items, there is a project on North Mountain Road that is a small site plan which will be ready for presentation on the 13th. It was before Conservation Commission last night. The continuation of New Samaritan's application and the vacant parcel on Pane Road, should have their drainage done by then. That's it, there's not many applications in the queue line.

Chairman Hall: Now is that North Mountain Road a residential?

Ed Meehan: No, this is industrial.

Chairman Hall: Are they re-doing something?

Ed Meehan: It's a vacant parcel up near Whitney Tool. The site has been used for a couple of years by a site contractor, and he didn't have a building on it, he was doing outside storage, and he's now ready to put a small building on this site.

IX. PUBLIC PARTICIPATION
(For items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

A. Plan of Conservation and Development

Chairman Hall: Anyone have anything they want to say at this point before we talk about the Plan of Conservation and Development or do you want to wait until after the Plan of Conservation and Development? Let's wait until after, let's talk about the Plan of Conservation and Development.

Ed Meehan: At the last meeting I passed out the questionnaire survey that was sent to boards and commissions in the town government, and also we had sent them to department heads. Got a couple extra if Dave, or Domenic wasn't here....

Commissioner Pane: Got one in my packet.

Ed Meehan: Okay, maybe Dave would like to look at that.

Commissioner Lenares: Thank you.

Ed Meehan: Any input that you would like, we are still gathering concepts and visions. We met with the project consultant on Monday, no excuse me, Tuesday, Bruce Till from Parks and Rec, the Town Engineer sat in, the Town Manager sat in for a while, we're breaking the plan now down into three components, as was discussed. We're talking about community resources and open space the character is one component; development is another component and infrastructure is the third. Within those three broad components at the staff level we're going to do focus groups with the department heads as well as the questionnaire surveys and get their input. We have a good handle on the mapping. Our effort is going to be to deliver to the Commission a draft plan, a preliminary draft plan for your May 25th meeting, May 27th meeting. Give you about a month to look at it, talk about it, and then in June we'll call that the official first draft and that starts the sixty-five day review period for officially referring it to the Town Council and the Capital Region Council of Governments. So within that sixty-five day period we can continue with workshops with any boards and commissions that want to invite us to their meetings to talk about the Plan of Development. We can go out to the general public, and then after the summer recess, Labor Day, we will be ready for the required public hearings. That's the plan right now.

Chairman Hall: Any questions of Ed, he's been working diligently on this, getting it all together. Staff Report, let's do that too before we get to Remarks. I'd really like to see Remarks moved farther down the agenda, down to twelve.

XI. STAFF REPORT

Ed Meehan: Two quick items, one, the Dunkin Donuts project that is going on next to Wendy's, a lot of site work this past week, have gotten calls from people, what is going on, are they going to knock the buffer down on top and you know, what are they filling in the hole for now? They are following the approved site plan. The overburden that was up on top as well as some other excavation material that goes back many years was to be pushed into the hole, they are supposed to create a generous slope, try to soften up that rock escarpment, and create a shelf with landscape plantings. They are going to be required as per the site plan to replant the upper elevations. There will be no development up there. Some people have called me and said, what are they building up there? That stays open space on top so if you get questions, the people on Harold Drive are not going to have development up there. Related to that also, the property developer or the tenant, which is Dunkin Donuts has asked if they could put three tables outside. It does not require a formal application or anything, these are like three small café tables. I asked them to show me on a map where they were going to do it, it's right near the front entrance. I just wanted to call that to your attention. It's typical of what we see for outside seating, seasonal outside seating. That project still, because of the materials being pushed off and the weather, it's pretty wet, it's pretty sloshy in there, it's going to take a while for all that to stabilize. They are having a problem in the northwest corner. If you look at the fence, the fence has eroded. The rock has fallen away. That fence probably will have to be pushed back onto Toll Brothers property and they are talking with Toll Brothers about some sort of an arrangement for an easement so they are reconstructing that.

The other item that I want to call to your attention is a request from, I guess they call it The Bar, Tom's Pizza, Mr. Gallichio. Met with Nick Gallichio last week. He would like to cover his outside patio which is behind the restaurant, between the restaurant and the volleyball area. It's about a 40 x 60 concrete patio. He asked if he could cover it with a 40 x 36 roof system which would be supported by columns. He's not talking about enclosing it, he's just talking about covering it. His request is because the, now they have events, they can't schedule the events because of unpredictable weather, they do use it for outside seating and it would be more useful for them to have it covered, and when they do have events, it would save the expense of renting tents for that area. I checked the Special Exception approvals for this project. There was no specific

limitations on the outside patio area other than it cannot be used for entertainment, loud bands, speakers, and so forth. There was no limitation on covering it. So I would like your guidance on whether you feel this requires an amendment to the special exception or continuation with the existing limitations which are, can't have loud music, bands and entertainment out there. It's not going to change the impervious surface.

Commissioner Kornichuk: What do they mean by "events?"

Ed Meehan: Well, sports events. When they had the volleyball, they used to have sports events there. Events is my language, that's from the special exception that goes back to 1998. Patio area for entertainment is prohibited, bands, karaoke, things like that out there. That was the main things about the outside area. The site plan approval that was issued in '95 said the outside dining area is approved as an extension of the restaurant. No dancing or entertainment uses will be permitted on the patio. This request is for direction on, can they put a roof on it without any sides? If you want them to come back before you, they have plans, if you want to do this administratively, administratively they just get a building permit and show that they meet the side yard setbacks. One of the things that they said as an example here is that they cater to events like New Britain Golf Club, I guess. So they have, when they have them there they rent tents so they can have food inside the tents.

Commissioner Casasanta: So they try to accommodate large groups?

Ed Meehan: Yeah, as much as you can on a 30 x 40 foot area.

Commissioner Lenares: Just like a covered picnic area?

Ed Meehan: Yeah, that's what it is. Well, it's not covered yet, but they have tables and chairs, I think they have umbrellas on them, I'm not sure.

Commissioner Ganley: So loud music, and I say this half in jest, would not preclude a cello, a quartet or something like that.....

Commissioner Camerota: Only loud bands.

Commissioner Casasanta: Only if they crank up the amplifier real loud.

Ed Meehan: I didn't just want to go ahead and say no, I didn't want to say yes, because there were a couple of occasions a couple of years ago where it got a little noisy when it first opened up, it's been better, much better in the last numerous years but the other question that comes up is, what's going on with the parking. Well, they have about eighty-five to ninety spaces back there so, the only substantial thing that has happened on this property that I can recall is the fact that they put up jersey barriers between this property and the Citgo station, which makes it a little bit difficult for the tanker trucks to move around in there, but that was between the two property owners and the town didn't have any say in that at all. You used to be able to go from one site to the other.

Commissioner Lenares: Who put up the barriers?

Ed Meehan: I don't know which site did it, but it makes the maneuvering of a tanker truck going into Citgo really difficult. You have to be careful when you drop your oil and gasoline.

Commissioner Casasanta: Unless I'm misunderstanding it sounds to me that these events, for lack of a better word, are already taking place. If they want to do something, they are going to get

a large tent and put up a large tent and all that good stuff, so it's not an issue of allowing this type of activity to occur or not occur, the activity is occurring, whether they put up this roof or they don't put up this roof, so I guess from my perspective, what is the harm of putting up the roof because it is not going to allow something to occur that is not already occurring and it's not in violation of what they are allowed to do or what they are not allowed to do, so I mean I don't see the harm in just letting them put up the roof.

Ed Meehan: The only reason that I am bring it up is because it does require a zoning and a building permit. A tent does not. So, I just wanted the Commission to know.

Chairman Hall: And a roof is a roof, does not include sides. Now the next progression would be sides. What if they came back and said, now we want to enclose it. Does that increase their capacity so that therefore it changes parking or

Ed Meehan: The parking was based on the consideration of the patio being used, being an extension of the restaurant.

Chairman Hall: So that wouldn't change either.

Commissioner Camerota: But they would still have to come back before us if they were going to close it in?

Chairman Hall: They should, if they are going to make it more permanent than a roof, wouldn't it?

Commissioner Camerota: Cavas had to come back.

Chairman Hall: You're increasing your square footage.

Commissioner Ganley: Cavas did have to come back.

Commissioner Pane: I don't think he has any intention of enclosing it. The whole idea was to have the outside atmosphere.

Ed Meehan: What Cavas was going to do was the take the existing patio and make it year round.

Chairman Hall: Right, so that's what I'm saying, would they have to if they.....

Ed Meehan: Well, in their case they already sized their parking, whether is was seasonal or year round, whether they had a roof or not. When it was approved in '98, the extension of the restaurant was considered a patio area. They extended the parking quite a bit back then. It's a structure, so I wanted you to know what was going on.

Chairman Hall: Because you know that we will hear from the neighbors because they do watch that pretty closely. As soon as they see something going on they are going to want to know what is going on.

Ed Meehan: What's your call, do you just want it treated by zoning, zoning and building.

Commissioner Kornichuk: I don't see any reason why we should get involved in it, if it's already existing. If they put up tents, or they put up a roof, what's the difference?

Commissioner Camerota: A roof would probably be nicer.

Chairman Hall: Okay.

Ed Meehan: Okay, I will inform.....

Chairman Hall: That's it for Staff Report?

Ed Meehan: Yes.

Chairman Hall: Now we can return to Remarks by Commissioners. Nothing?

XII. ADJOURNMENT.

Commissioner Casasanta moved to adjourn the meeting at 8:40 p.m. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary